

REMARKS

In the Office Action issued on January 17, 2006, claims 1-3 and 11-13 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,566,295 to Cypher et al. (Cypher). Claims 4, 6, and 8-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cypher in view of U.S. Patent No. 4,868,755 to McNulty et al. (McNulty). Claims 5 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cypher in view of McNulty and further in view of U.S. Patent No. 4,930,084 to Hosaka et al. (Hosaka). Claims 1-13 were rejected under 35 U.S.C. §101 as lacking patentable utility. Claims 1-13 were rejected under 35 U.S.C. §112, ¶1, as not allowing one skilled in the art to use the claimed invention due to unpatentable utility. Claims 3, 11, and 12 were rejected under the judicially created doctrine of double patenting as being unpatentable over claims 8, 12, and 9 of U.S. Patent No. 6,772,055. Claims 3, 11, and 12 were provisionally rejected under the judicially created doctrine of double patenting as being unpatentable over claims 6, 2, and 8 of co-pending application no. 10/169,382.

Claims 1-13 are now pending in this application. Claim 1 was amended to correct issues under 35 U.S.C. §101 and 35 U.S.C. §112, ¶1. Claim 1 was also amended to more particularly point out the subject matter that the applicant considers to be the invention. Claim 8 was amended to correct a typographical error. A terminal disclaimer was filed in order to overcome the double patenting rejection.

The Applicant respectfully submits that claim 1 of the present invention is a concrete process and has patentable utility under U.S.C. §101. In particular, conclusions shall be executed out in accordance with the analysis that has been carried out is more than a manipulation of abstract ideas. Further, presenting said decision support window to a user is

more than a manipulation of abstract ideas.

The Applicant respectfully submits that U.S. Patent Application Number 10/169,382 was abandoned effective February 1, 2006. Thus, Applicant respectfully requests that the provisional double patenting rejections be withdrawn.

The Applicant respectfully submits that the present invention according to claims 1-3 and 11-13 is not anticipated by Cypher. Cypher discloses an extensible simulation system and graphical programming method that enables a simulation user to program the behaviors of objects in a simulation while requiring no knowledge of computer programming concepts or languages. In particular, Cypher, in Fig. 8, and col. 9, lines 66-67 and col. 20, lines 1-5, discloses a method by which a user's actions in operating a program are recorded to form a generalized computer program step sequence. Thus, Cypher discloses a way to write a computer program without typing in program statements, but rather, by simply performing the desired steps and recording those steps to form the program. By contrast, the present invention, according to claim 1, requires running said device in a real or simulated version of said apparatus, tangible system, machine, or user thereof such that the apparatus, tangible system, machine, or user thereof goes through a behavior or a behavior scenario, presenting a decision support window to a user recommending, via said decision support window, a said state or rule, and allowing the user to make decisions by inputting instructions which mean that one or more conclusions which form part of a certain rule, the name of which is currently shown in said area in the decision support window, shall be executed. Cypher does not disclose or suggest recommending, via said decision support window, a said state or rule.

Further, Cypher discloses determining if a simulation context has been adjusted in an editor, but this is not what is required by the present invention. For example, claim 1 recites

determining or modifying the rules for which the user has made decisions concerning that one or more conclusions shall be executed out in accordance with the analysis that has been carried out. As described above, Cypher does not disclose or suggest allowing the user to provide input to a behavior that is running, in order to determine which conclusions that form part of a rule of the behavior will be executed. Further though, Cypher does not disclose or suggest modifying the rules themselves based on the user provided input that determined which conclusions would be executed.

Therefore, the present invention according to claim 1, and according to claims 2-3 and 11-13 which depend therefrom, is not anticipated by Cypher.

The Applicant respectfully submits that the present invention according to claims 4, 6, and 8-10 is not unpatentable over Cypher in view of McNulty because even if Cypher and McNulty were combined as suggested by the Examiner, the result would not be the present invention as claimed. McNulty discloses an automatic control system for an aircraft that has a first controller connected to the pilot's operating controls. The first controller manipulates the operating controls so that goals, expressed in terms of selected aircraft parameters, are achieved. A second controller supplies a series of goals to the first controller so that the aircraft will perform desired maneuvers. A third controller acts as a mission planner, and supplies desired maneuvers to the second controller in accordance with overall mission plans. McNulty does not disclose or suggest running said device in a real or simulated version of said apparatus, tangible system, machine, or user thereof such that the apparatus, tangible system, machine, or user thereof goes through a behavior or a behavior scenario, presenting a decision support window to a user recommending, via said decision support window, a said state or rule, recommending, via said decision support window, a said state or rule, and allowing the user to make decisions by

inputting instructions which mean that one or more conclusions which form part of a certain rule, the name of which is currently shown in said area in the decision support window, shall be executed, or determining or modifying the rules for which the user has made decisions concerning that one or more conclusions shall be executed out in accordance with the analysis that has been carried out.

Thus, the combination of Cypher and McNulty still fails to disclose or suggest these required elements of the present invention. Therefore, the present invention, according to claims 4, 6, and 8-10 is not unpatentable over Cypher in view of McNulty.

The Applicant respectfully submits that the present invention according to claims 5 and 7 is not unpatentable over Cypher in view of McNulty and further in view of Hosaka because even if Cypher, McNulty, and Hosaka were combined as suggested by the Examiner, the result would not be the present invention as claimed. Hosaka discloses a vehicle control system embodied as an autocruise control. Fuzzy Logic is introduced in the system such that an expert driver's operation or judgment made on a non-automated vehicle is able to be incorporated in the system as fuzzy production rules. In the system, the control is effected in accordance with the rules which can be expressed linguistically in a simple manner and has a predictive nature therein. Operating condition of the vehicle is detected through parameters such as a vehicle speed, a vehicle acceleration and a change of vehicle acceleration which are then assigned on a scale named universe of discourse. The satisfaction degree is evaluated so that one rule is selected. A control value is determined from the selected rule which is output to an actuator to be controlled. Hosaka does not disclose or suggest running said device in a real or simulated version of said apparatus, tangible system, machine, or user thereof such that the apparatus, tangible system, machine, or user thereof goes through a behavior or a behavior scenario, presenting a decision

support window to a user recommending, via said decision support window, a said state or rule, and allowing the user to make decisions by inputting instructions which mean that one or more conclusions which form part of a certain rule, the name of which is currently shown in said area in the decision support window, shall be executed, or determining or modifying the rules for which the user has made decisions concerning that one or more conclusions shall be executed out in accordance with the analysis that has been carried out.

Thus, the combination of Cypher, McNulty, and Hosaka still fails to disclose or suggest these required elements of the present invention. Therefore, the present invention, according to claims 5 and 7 is not unpatentable over Cypher in view of McNulty and further in view of Hosaka.

In view of the above, it is respectfully submitted that the present invention is allowable over the references relied upon in the Office Action. Accordingly, favorable reconsideration of this case and early issuance of the Notice of Allowance are respectfully requested.

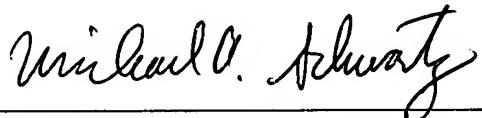
Additional Fees:

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 19-5127 (4258800019).

Conclusion

In view of the foregoing, all of the Examiner's rejections to the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all the claims remaining in the application. Should the Examiner feel further communication would facilitate prosecution, he is urged to call the undersigned at the phone number provided below.

Date: July 12, 2006



Michael A. Schwartz, Reg. No. 40,161
Attorney for Applicants
Bingham McCutchen LLP
3000 K Street, NW, Suite 300
Washington, DC 20007
Telephone: (202) 339-8951